

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JEFFREY H. ALLEN, on behalf of himself and  
all others similarly situated,

Plaintiff,

VS.

UTILIQUEST, LLC, and DOES 1 through 100,  
INCLUSIVE,

## Defendants.

Case No: C 13-4466 SBA

## ORDER

This is a wage and hour class action which Defendants removed from state court for a second time on September 26, 2013. On October 18, 2013, Defendants filed a motion for summary judgment, which is noticed for hearing on November 19, 2013. Dkt. 13. Four days later on October 22, 2013, Plaintiff filed a motion to remand, which is noticed for hearing on November 26, 2013. Dkt. 16. Before the Court may consider the merits of a case, it must satisfy itself of its jurisdiction over the subject matter of the case. See Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999). The Court therefore will consider Plaintiff's motion to remand prior to adjudicating Defendants' summary judgment motion. Accordingly,

IT IS HEREBY ORDERED THAT Defendants' motion for summary judgment shall be held in ABEYANCE pending adjudication of Plaintiff's motion to remand. The motion for summary judgment shall be taken off calendar and administratively terminated. In the event the Court denies Plaintiff's motion to remand, Defendants may re-notice their motion on the Court's law and motion calendar. The motion to remand will be adjudicated without a hearing in accordance with Civil Local Rule 7-1(b).

IT IS SO ORDERED.

**27** | Dated: October 24, 2013

Saundra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge